EXHIBIT 2

Modified Redacted Version of Dkt. 1112-16

1 ** C O N F I D E N T I A L **

2 UNITED STATES DISTRICT COURT

3 NORTHERN DISTRICT OF CALIFORNIA

4 SAN JOSE DIVISION

5 Case No. 5:20-cv-5146-LHK

6 ----------------------------------x

   PATRICK CALHOUN, ELAINE CRESPO,

7 HADIYAH JACKSON and CLAUDIA

   KINDLER, on behalf of all

8 others similarly situated,

9   Plaintiffs,

10

11   - against -

12

13 GOOGLE LLC,

14   Defendant.

   ----------------------------------x

15   (Caption Continued)

16   November 24, 2021

                9:06 a.m.

17

                VOLUME II

18

19   Continued Videotaped Deposition of

20 ABDELKARIM MARDINI, taken by Plaintiffs,

21 pursuant to Notice, held via Zoom

22 videoconference, before Todd DeSimone, a

23 Registered Professional Reporter and Notary

24 Public of the States of New York and New

25 Jersey.

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4 Case No. 5:20-cv-03664-LHK
5 ----------------------------------x
   CHASOM BROWN, WILLIAM BYATT,
6 JEREMY DAVIS, CHRISTOPHER
   CASTILLO and MONIQUE TRUJILLO,
7 individually and on behalf of all
   others similarly situated,
8
        Plaintiffs,
9
10
     - against -
11
12
   GOOGLE LLC,
13
        Defendant.
14 ----------------------------------x
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21
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23
24
25

Page 241

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Page 242

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14
15
16 ALSO PRESENT:
17   MATTHEW GUBIOTTI, Google LLC
18   MARC FRIEDMAN, Videographer
19
20
21
22
23
24
25

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1   THE VIDEOGRAPHER: Good morning.
2 We are going on the record at 9:06 a.m.
3 eastern standard time on Wednesday,
4 November 24th, 2021. Please silence your
5 cell phones, computer tone or any other
6 electronic devices you have near you.
7 Audio and video recording will continue to
8 take place unless all parties agree to go
9 off the record.
10   This is media unit number one
11 of the video-recorded deposition of
12 AbdelKarim Mardini, Volume II. The caption
13 of this case is Patrick Calhoun, et al.,
14 versus Google LLC. This case is filed in
15 the United States District Court, Northern
16 District of California, San Jose Division,
17 case number 5:20-CV-5146. Second caption,
18 Chasom Brown, et al., versus Google LLC.
19 This case is also filed in the United
20 States District Court, Northern District of
21 California, San Jose Division, case number
22 5:20-CV-03664. This is also Volume II of
23 Mr. Mardini's testimony.
24   My name is Marc Friedman, I'm
25 your certified video legal specialist, your

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2 (Pages 241 - 244)

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1 session, whereas if you want to block
2 signing in, it needs to definitely be in
3 the beginning.
4   MR. REBLITZ-RICHARDSON: Let's
5 mark Exhibit 46, GOOG-BRWN-00182492.
6   (Mardini Exhibit 46 marked for
7 identification.)
8   Q.   Mr. Mardini, would you please
9 let me know when you have Exhibit 46 in
10 front of you.
11   A.   Exhibit 46, I see it now. Let
12 me double click to open it. Yes, I opened
13 it.
14   Q.   Mr. Mardini, is Exhibit 46 an
15 e-mail you sent as part of your work for
16 Google?
17   A.   It appears to be, yes.
18   Q.   And if you look down at the
19 bottom half do you see there is the "FWIW,
20 this is what I sent Anil/Parisa/ Margret"?
21   A.   Yes.
22   Q.   And so there is three bullets
23 there, correct, one is "blocking signing-in
24 while in incognito," the second is "sending
25 signal to web properties to indicate user

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1 is in incognito to delete server-side
2 logs," and the third is "cookie tracking
3 prevention by default."
4   Do you see that?
5   A.   Yes.
6   Q.   The third one, Google
7 implemented that change in Chrome incognito
8 mode, correct?
9   A.   Yes.
10   Q.   That is ChromeGuard, right?
11   A.   Correct.
12   Q.   And that was implemented in
13 2020; is that right?
14   A.   Yes, if memory serves me
15 correctly, it was around May or June 2020.
16   Q.   And sending signal to web
17 properties to indicate user is in incognito
18 to delete server-side logs, that was never
19 implemented, correct?
20   A.   I believe so, yeah, this was
21 never implemented.
22   Q.   And blocking sign in while in
23 incognito, that was never implemented,
24 correct?
25   A.   Yes, that is correct.

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1   Q.   Correct, that that was never
2 implemented?
3   A.   Yes, it is correct that
4 blocking signing in while in Chrome
5 incognito was never implemented.
6   Q.   And do you see at the top where
7 Mr. Halavati wrote "Can we still work on
8 the plan to send the signal to Google to
9 delete logs from incognito browsing (at the
10 end)? Even if the effect of it might not
11 be large from technical point of view, from
12 a psychological point of view it's much
13 more reassuring to be able to say 'You
14 won't be logged' compared to 'Your log
15 cannot be used'"?
16   Do you see that?
17   A.   Yes.
18   Q.   And you responded, "Ramin: I
19 agree with you," right?
20   A.   Yeah.
21   Q.   And so what were you agreeing
22 with when you wrote "Ramin: I agree with
23 you"?
24   A.   I agree that we should work on
25 a plan to send the signal to Google to

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1 delete logs.
2   Q.   Did Google continue to work on
3 that plan after you sent your e-mail on
4 November 6th, 2019?
5   A.   I don't remember. That was in
6 2019 and I think we had then other
7 priorities. If I see this, this is the end
8 of 2019, and, yeah, I think there were a
9 lot of complications related to -- this
10 obviously will involve the Search team and
11 the Google back-end team and priorities
12 were not aligned at the time and other
13 things came up. So I'm not sure actually
14 where that is right now.
15   Q.   Is that a project that is still
16 under consideration at Google, sending a
17 signal to Google to delete logs from
18 incognito browsing?
19   A.   I do not know. Not to my
20 knowledge.
21   Q.   Are you aware of Mr. Pichai
22 providing any input regarding this, what
23 Mr. Halavati describes as plan to send the
24 signal to Google to delete logs from
25 incognito browsing?

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37 (Pages 381 - 384)

1   A.   That is my understanding at
2 this time, yes. But I have to confirm it
3 with the author of that table.
4   Q.   Right. And these were
5 reductions in revenue based on blocking
6 third-party cookies by default in incognito
7 with ChromeGuard, correct?
8   MR. SCHAPIRO: Objection to the
9 form of the question, foundation, assumes
10 facts not in evidence.
11   A.   That seems to be the case.
12   Q.   And if you go back to the page
13 ending 210, where your name appears under
14 Chrome Key Metrics, there is a Chrome
15 overall traffic share per Google property,
16 and then the second box is Chrome incognito
17 mode traffic out of all Chrome traffic. Do
18 you see that?
19   A.   Uh-huh.
20   Q.   Do you have an understanding as
21 to what that row represents, Chrome
22 incognito mode traffic out of all Chrome
23 traffic?
24   A.   Yes.
25   Q.   What do you understand that to

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1 represent?
2   A.   That represents from all the
3 usage of Chrome, I think time spent in
4 Chrome, or page loaded in Chrome, I don't
5 know which exactly, how much percent of it
6 is in regular mode and how much percent of
7 it is in incognito mode.
8   Q.   So was this an attempt by
9 Google to assess the portion of the Chrome
10 traffic that represented incognito mode
11 traffic?
12   MR. SCHAPIRO: Objection to the
13 form of the question.
14   A.   I mean, as I mentioned, we know
15 when a user starts an incognito session, we
16 don't know what happens in the incognito
17 session on the Chrome side, and then we
18 know when the incognito session ended, and
19 then this data, as I said, is aggregated
20 and anonymized to give an overall picture
21 of the usage of incognito mode.
22   The term "traffic" here is
23 ambiguous in my opinion, because I don't
24 know what exactly it means here. Traffic,
25 like is it number of kilobytes or what? I

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1 don't know. But I can tell you that in
2 Chrome, this is what we measure, the
3 percentage of users who clicked on open new
4 incognito window.
5   Q.   Were you the one who prepared
6 the calculations included in that row,
7 Chrome incognito mode traffic out of all
8 Chrome traffic?
9   A.   No, I was not the person
10 involved in making that calculation,
11 specific calculation. I'm not sure what
12 the numbers also mean next to it.
13   Q.   Do you know who was involved in
14 preparing that calculation?
15   A.   Probably a Chrome data analyst,
16 Mr. Dullweber.
17   Q.   Is this Exhibit 49 consistent
18 with your recollection regarding
19 ChromeGuard, that the annualized impact on
20 Google's revenue from ChromeGuard was
21 estimated as ███████████████████████
22 per year?
23   A.   That's what the document says,
24 yes. I don't recall the exact numbers.
25 Like I did not memorize the numbers, but

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1 that's what the document says.
2   Q.   Let's look at what has been
3 marked as Exhibit 50.
4   A.   Exhibit 50.
5   Q.   Which is GOOG-BRWN-00439740.
6   A.   Yes, I have it in front of me.
7   Q.   And, Mr. Mardini, this is an
8 e-mail exchange that starts with
9 Mr. McClelland's e-mail at the back and
10 ends with an e-mail from you on the first
11 page. I only have questions about your
12 e-mail on the first page, but you're
13 welcome to review the document.
14   A.   Okay. Could you give me a
15 moment to review the initial thread?
16 Because I don't think I remember that. It
17 is quite a long thread it seems.
18   (Witness perusing document.)
19   A.   Okay, thank you.
20   Q.   Mr. Mardini, is Exhibit 50 an
21 e-mail that you sent as part of your work
22 with Google?
23   A.   Yes, this appears to be the
24 case.
25   Q.   Do you see where you wrote

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45 (Pages 413 - 416)

1 "Here is a chronological recap," and then
2 you include a series of dates and comments?
3   A.   Yes.
4   Q.   What were you trying to convey
5 there with that chronological recap?
6   MR. SCHAPIRO: Objection to the
7 form of the question.
8   A.   What I was trying to convey
9 when I sent this e-mail is the full history
10 of engagement with the Ads team related to
11 the ChromeGuard project. This e-mail is
12 sent on May 5th, 2020, and you can see I
13 was trying to say okay, here is what we
14 have been discussing with them to refresh
15 Matt and Parisa's memory.
16   Matt was not on the team in
17 August/September 2019, and I think Matt had
18 just joined at that time, around that time,
19 like in May 2020, so it is more, literally
20 what I said, like a recap so that we are
21 all on the same page and so that they know
22 the history of the engagements.
23   Q.   Thank you. And the first part
24 of your recap says "August to September
25 2019: We shared the plan to launch

1 M83 was probably the full
2 launch to 100 percent. But in the period
3 between like January 2020 and May 2020, I
4 think there were multiple experiments and
5 measurements.
6   Q.   That's very helpful. Would you
7 also look at what has been marked as
8 Exhibit 51, which is GOOG-BRWN-00230425.
9   A.   Yes.
10   Q.   And that's an e-mail from you
11 that you sent as part of your work for
12 Google, correct?
13   A.   Yes.
14   Q.   And that was an e-mail you sent
15 on July 15th, 2020; is that right?
16   A.   Yes.
17   Q.   And you start "I would like to
18 give you an update on how our User Agency
19 moment for Chrome M83 has landed."
20   Do you see that?
21   A.   Yes.
22   Q.   And that list there includes
23 ChromeGuard on Desktop and Android?
24   A.   Yes.
25   Q.   Does that refresh your

1 ChromeGuard in M79."
2   Do you see that?
3   A.   Yes.
4   Q.   Did ChromeGuard launch in M79?
5   MR. SCHAPIRO: Objection,
6 foundation, vague.
7   A.   I don't remember whether we
8 launched a small experiment in M79 or not,
9 but at the time, like in August and
10 September 2019, we probably had a plan to
11 launch it in M79, and this is the plan
12 referenced here. Whether it launched in
13 M79 or not, I do not recall whether we did
14 that.
15   Q.   It launched in M83, correct,
16 ChromeGuard?
17   MR. SCHAPIRO: Objection,
18 foundation, vague.
19   A.   No. I mean, I'm reading the
20 chronology with you right now as we are
21 speaking, because I don't remember now in
22 2021 what happened at the end of 2019, and
23 it seems that we did not launch 1 percent
24 on M79, but then we launched it in the
25 following one, in January 2020.

1 recollection that the full launch of
2 ChromeGuard was part of M83?
3   MR. SCHAPIRO: Objection,
4 misstates the testimony.
5   A.   Yes.
6   Q.   And would that full launch of
7 ChromeGuard have been on or about July
8 15th, 2020?
9   A.   Sorry, could you repeat the
10 question?
11   Q.   I'm just trying to understand,
12 your e-mail here is from July 15th, 2020
13 talking about M83, and I'm asking was M83
14 released on or about July 15th, 2020?
15   A.   No.
16   Q.   Do you know when M83 was
17 launched or released?
18   A.   It would have been around the
19 May 2020 time frame.
20   Q.   So it's your understanding that
21 M83 was released in or -- in May 2020?
22   A.   We can check that online. I
23 think it was around May 2020.
24   Q.   Great, thank you.
25   Going back to Exhibit 50 which

46 (Pages 417 - 420)

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1    EXHIBITS
2 MARDINI   DESCRIPTION      PAGE
  Exhibit 43 GOOG-BRWN-00051039-   358
3    00051048
  Exhibit 44 GOOG-CABR-05269678-   358
4    05269708
  Exhibit 45 GOOG-CABR-00413286-   370
5    00413289
  Exhibit 46 GOOG-BRWN-00182492-   381
6    00182495
  Exhibit 47 GOOG-CABR-00410304-   386
7    00410322
  Exhibit 48 GOOG-BRWN-00454633-   403
8    00454634
  Exhibit 49 GOOG-CABR-04455208-   403
9    04455218
  Exhibit 50 GOOG-BRWN-00439740-   403
10   00439745
  Exhibit 51 GOOG-BRWN-00230425-   403
11   00230427
  Exhibit 52 GOOG-CABR-04668451    430
12 Exhibit 53 GOOG-CABR-04739841-   430
     04739845
13
   DIRECTIONS NOT TO ANSWER
14
   Page   Line
15   (NONE)
16
17
   REQUESTS
18
   Page   Line
19   (NONE)
20
21
22
23
24
25
                              Page 473
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1       ERRATA SHEET
        VERITEXT/NEW YORK REPORTING, LLC
2
   CASE NAME: CALHOUN v. GOOGLE
3 DATE OF DEPOSITION: 11/24/21
   WITNESS' NAME: ABDELKARIM MARDINI
4
   PAGE/LINE(S)/ CHANGE      REASON
5   ___/___/_____/_____/_____
6   ___/___/_____/_____/_____
7   ___/___/_____/_____/_____
8   ___/___/_____/_____/_____
9   ___/___/_____/_____/_____
10  ___/___/_____/_____/_____
11  ___/___/_____/_____/_____
12  ___/___/_____/_____/_____
13  ___/___/_____/_____/_____
14  ___/___/_____/_____/_____
15  ___/___/_____/_____/_____
16  ___/___/_____/_____/_____
17  ___/___/_____/_____/_____
18  ___/___/_____/_____/_____
19
20   _____
     ABDELKARIM MARDINI
21 SUBSCRIBED AND SWORN TO
   BEFORE ME THIS_____DAY
22 OF_____, 2021.
23   _____
     NOTARY PUBLIC
24 MY COMMISSION EXPIRES_____
25
                              Page 475
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```
1       CERTIFICATION
2
3    I, TODD DeSIMONE, a Notary Public for
4  and within the State of New York, do hereby
5  certify:
6    That the witness whose testimony as
7  herein set forth, was duly sworn by me; and
8  that the within transcript is a true record
9  of the testimony given by said witness.
10   I further certify that I am not related
11 to any of the parties to this action by
12 blood or marriage, and that I am in no way
13 interested in the outcome of this matter.
14   IN WITNESS WHEREOF, I have hereunto set
15 my hand this 1st day of December, 2021.
16
17
18   Todd DeSimone
19   TODD DESIMONE
20      *   *   *
21
22
23
24
25
                              Page 474
```

```
1 BEKO O. REBLITZ-RICHARDSON, ESQ.
2 brichardson@bsfllp.com
3               DECEMBER 1, 2021
4 RE: PATRICK CALHOUN v. GOOGLE LLC
5 NOVEMBER 24, 2021, ABDELKARIM MARDINI, VOL. II, JOB NO. 4962196
6 The above-referenced transcript has been
7 completed by Veritext Legal Solutions and
8 review of the transcript is being handled as follows:
9 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext
10   to schedule a time to review the original transcript at
11   a Veritext office.
12 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF
13   Transcript - The witness should review the transcript and
14   make any necessary corrections on the errata pages included
15   below, notating the page and line number of the corrections.
16   The witness should then sign and date the errata and penalty
17   of perjury pages and return the completed pages to all
18   appearing counsel within the period of time determined at
19   the deposition or provided by the Code of Civil Procedure.
20 __ Waiving the CA Code of Civil Procedure per Stipulation of
21   Counsel - Original transcript to be released for signature
22   as determined at the deposition.
23 __ Signature Waived – Reading & Signature was waived at the
24   time of the deposition.
25
                              Page 476
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60 (Pages 473 - 476)